

### REMARKS

Claims 15-26 and 31-48 are pending in the application. Claims 1-14 and 27-30 were previously withdrawn from consideration. Claims 15-26 and 31-48 are rejected. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks herein.

#### *Claim Rejections – 35 U.S.C. § 101*

Claims 15-26 and 31-48 stand rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. This rejection is respectfully traversed.

Claims 15-26 were rejected for the following reason: "the claims are directed towards a non-statutory system comprising only software. The claims fail to recite any physical structure. A statutory system is a physical object with physical structure, not software." Office Action, page 2.

Applicants respectfully traverse this rejection. Claim 15 has been amended to recite "a display operable to display tasks to a user." A display is not necessarily "only software," and is thus a form of statutory subject matter. Accordingly, Applicants respectfully request that the rejection of claim 15 and its dependent claims 14-26 be withdrawn.

Claims 31-40 were rejected for the following reason: "the claims are directed towards a process. However, the method steps recited are not tied to another statutory class." Office Action, page 2.

Applicants respectfully traverse this rejection. Claim 31 has been amended to recite the manipulation of a physical structure falling within a statutory class. Specifically, claim 31 now recites "displaying one or more of the tasks to a user on a display." The display is statutory subject matter. Therefore, claim 31 is tied to a statutory class. Applicants respectfully request that the rejection of claim 31 and its dependent claims 32-40 be withdrawn.

Claims 41-48 were rejected for the following reason: "the claims are directed towards a computer program product embodied 'in an information carrier.' The broadest reasonable interpretation of 'information carrier' includes non-statutory signals." Office Action, page 3.

Claim 41 has been amended to recite "A computer program product tangibly stored on a computer readable medium." Consequently, claim 41 does not include the term "information carrier." Accordingly, Applicants respectfully request that the rejection of claim 41 and its dependent claims 42-48 be withdrawn.

*Claim Rejections – 35 U.S.C. Section § 112*

Claims 15-21, 32-37, and 42-45 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the "invention." This rejection is respectfully traversed.

Claim 15 was rejected for the following reason: "no physical structure is recited, making it unclear how the claim recites a 'system.'" Office Action, page 3.

As noted above, claim 15 has been amended to recite a display. Applicants believe this amendment addresses the Examiner's concern with claim 15 and respectfully request withdrawal of this rejection.

Claim 16, 32, and 42 were rejected for the following reason: "it is unclear what the further validation achieves, since the entire task set is purportedly validated in claim 15. The claims appear redundant." Office Action, page 3

The claims are not redundant because claim 16 is referring to a potentially different task set from claim 15. Claim 15 recites "a constraints validation engine operable to validate the tasks and constraints," and claim 16 recites "wherein the constraints validation engine is further operable to validate the instance template for conformance with the constraints." The instance template of claim 16 may include new constraints. As explained in the specification, some tasks are defined before an instance of a template is formed, and other tasks, such as those benefiting from increased flexibility, are defined along with the instance of the template. *See e.g.*, Application, paragraph 81 (describing pockets of flexibility that are addressed when the workflow is in progress). The constraint validation engine of claim 16 is operable to validate both sets of tasks, those defined initially, and those defined in the pockets of flexibility. Thus, claim 16 is not redundant. Similar reasoning applies to claims 32 and 42 and their respective parent claims. As the claims are clear when read in view of the specification, Applicants respectfully request that this rejection be withdrawn.

Claim 17, 33, and 43 were rejected for the following reason: "it is unclear what the difference between the 'activate' in this claim and the 'execute' in claim 15. It appears to be duplicative language." Office Action, page 3.

This language is not duplicative. Claim 15 describes a workflow engine operable to activate a configurable task set during execution of an open instance. The term "activate" in this context refers to rendering the configurable task set active, whereas the term "execute" in this context refers to execution of the instance. The terms have non-coextensive referents, and are therefore non-duplicative. (Also, the rejection appears to mismatch claim terms. The term "activate" in claim 17 corresponds with the term "activate" in claim 15, not as the rejection suggests, the term "execute.") Thus, the claims are clear, and Applicants respectfully request that this rejection be withdrawn.

Claims 18 and 34 were rejected for the following reason: "it is unclear what is meant by 'progressively accept.' Are there a series of tasks accepted one by one? Or is the acceptance done according to a 'progressive' method?" Office Action, page 4.

Applicants have amended claims 18 and 34 to remove the word "progressively." Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 19 and 35 were rejected for the following reason: "it is unclear how the further validation achieves, since the tasks are already validated based on the constraints in claim 15." Office Action, page 4.

Applicants respectfully traverse this rejection. It is clear how further validation might occur if the claim is read in view of the specification. As explained above, and as explained in the written description, flexibility built into the workflows allows a task set to be revised during execution, as indicated by the term "revised" in claim 19. *See e.g.*, Application, paragraph 89. Thus, the revised task set may be different from the task set that claim 15 describes as being validated. The revised task set may violate constraints that the original task set did not. Accordingly, further validation of the revised task set may be appropriate in some instances. In view of this explanation, Applicants respectfully request that this rejection be withdrawn.

Claims 20-21, 36-37, and 44-45 were rejected for the following reason: "it is unclear what the difference between 'structural' and 'containment' constraints is, because both achieve

the same result in the claim – that it imposes which tasks are included in the instance template.”  
Office Action, page 4.

These terms are explained in the specification. A “structural constraint” “refer[s] to how a given set of fragments may be composed within a template,” and a “containment constraint” “refer[s] to whether a particular fragment(s) may be included (contained) within a template.” Application, paragraph 117. Accordingly, Applicants respectfully stress that these terms are not indefinite and that the present rejection should be withdrawn.

*Claim Rejections – 35 U.S.C. § 102*

Claims 15-26 and 31-48 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Shazia Sadiq, *et al.*, “Pockets of Flexibility in Workflow Specification,” Proceedings of the 20<sup>th</sup> International Conference on Conceptual Modeling, Lecture Notes in Computer Science, 2224, pp. 513-526 (H.S. Kunii, et al., eds. 2001) (“Sadiq”). This rejection is respectfully traversed.

Each of the independent claim has been amended to recite simplification of a specification of the constraints. This feature is not discussed by Sadiq. While Sadiq does mention constraints, it does not describe how a specification of the constraints might be simplified. For example, Sadiq does not describe how one constraint might be subsumed by another, more restrictive constraint or how one might identify such a relationship to form a simplified specification of the constraints. Thus, Sadiq does not teach all of the features of independent claims 15, 31, or 41 or their dependent claims. Accordingly, Applicants respectfully request that this rejection be withdrawn.


### CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

No charges are believed due. However, if any fees are due, they are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13909-0115001.

Respectfully submitted,

Date: September 23, 2008

  
\_\_\_\_\_  
Ryan McCarthy  
Reg. No. 50,636

Fish & Richardson P.C.  
One Congress Plaza, Suite 810  
111 Congress Avenue  
Austin, TX 78701  
Telephone: (512) 472-5070  
Facsimile: (512) 320-8935